

**WORKERS' COMPENSATION APPEALS BOARD  
STATE OF CALIFORNIA**

**NANCY RODRIGUEZ, *Applicant***

**vs.**

**HSBC, INC.; SEDGWICK  
CLAIMS MANAGEMENT SERVICES INC., *Defendants***

**Adjudication Number: ADJ6880109  
Marina del Rey District Office**

**OPINION AND ORDER  
GRANTING PETITION  
FOR REMOVAL  
AND DECISION  
AFTER REMOVAL**

We have considered the allegations of the Petition for Removal and the contents of the report of the workers' compensation administrative law judge (WCJ) with respect thereto. Based on our review of the record and for the reasons stated below, we will grant the Petition for Removal, rescind the WCJ's November 29, 2022 Minute Order, and return this matter to the Presiding Judge WCJ for reassignment to a new WCJ.

In her Report, the WCJ stated:

[T]his file will [be] transfer[ed] to another Judge due to my pending retirement. In addition, it should also be noted that there was not any substantial review of the Stipulations and Issues with the parties as is my customary practice. The new trial judge is in the best position to hear all arguments, conduct a detailed review of all documents and/or evidence and make the appropriate determinations regarding the matter in which the trial will proceed – including the testimony and exhibits. However, at very minimum, prior to the next hearing, it is this judge's recommendation that Defendant should file and serve the documents in the notice to produce that are not subject to an objection and/or an assertion of privilege.

(Report, at p. 2.)

At a hearing on January 24, 2023, the matter was taken off calendar but no new judge was assigned or new hearing date set due to the pending Petition for Removal. We agree with the WCJ's comment that a new WCJ should consider all the pending issues and make the necessary determinations. Therefore, we will grant removal, rescind the WCJ's November 29, 2022 Minute Order, and return this matter to the Presiding Judge WCJ for the reassignment to a new WCJ and the setting of a new hearing.

For the foregoing reasons,

**IT IS ORDERED** that the Petition for Removal of the November 29, 2022 Minute Order is **GRANTED**.

**IT IS FURTHER ORDERED** as the Decision After Removal of the Workers' Compensation Appeals Board that the November 29, 2022 Minute Order is **RESCINDED** and that the matter is **RETURNED** to the trial level for the Presiding Judge to reassign to a new WCJ and set for a new hearing.

**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ JOSÉ H. RAZO, COMMISSIONER**

**I CONCUR,**

**/s/ PATRICIA A. GARCIA, DEPUTY COMMISSIONER**

**/s/ KATHERINE A. ZALEWSKI, CHAIR**



**DATED AND FILED AT SAN FRANCISCO, CALIFORNIA**

**February 15, 2023**

**SERVICE MADE ON THE ABOVE DATE ON THE PERSONS LISTED BELOW AT THEIR ADDRESSES SHOWN ON THE CURRENT OFFICIAL ADDRESS RECORD.**

**NANCY RODRIGUEZ  
BERKOWITZ AND COHEN  
D'ANDRE LAW**

**PAG/abs**

I certify that I affixed the official seal of the Workers' Compensation Appeals Board to this original decision on this date. *abs*